

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDY MURPHY,

Plaintiff,

v.

CITY OF OAKLAND, et al.,

Defendants.

NO. C04-3062 TEH

ORDER RE BIFURCATION

The Court has carefully considered the parties' papers, the parties' comments at the Pre-Trial Conference, and the record in this case. After weighing the issues of prejudice and efficiency, the Court concludes that if cumulative testimony relating to damages is eliminated, then the balance tips against bifurcation in this case. Given that Plaintiff represented at the Pretrial Conference that he had no objection to eliminating cumulative evidence in general, and in particular, cumulative testimony by witnesses regarding the "Plaintiff's injuries and the impact those injuries have had on the plaintiff's life," the Court denies Defendants' motion to bifurcate. Consistent with Plaintiff's representations, however, Plaintiff shall be limited to calling one other witness to testify to the above "quality of life" issues (in addition to himself). Plaintiff may, of course, also present the videotape prepared on this issue. Plaintiff may also wish to consider whether it is necessary to call two medical experts given that Plaintiff indicated at the Pretrial Conference that one of the experts could address all the necessary issues.

IT IS SO ORDERED.

DATED 11/10/05

THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT